

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

KYLE MARK LAWRENCE,	§	
	§	
<i>Appellant,</i>	§	
	§	Civil Action No. 3:19-CV-01843-X
v.	§	
	§	
FROST BANK,	§	
	§	
<i>Appellee.</i>	§	

**ORDER**

On November 6, 2019, the appellant Kyle Mark Lawrence filed a motion for leave to file a second supplement to the appellate record [Doc. No. 10], pursuant to Federal Rule of Bankruptcy Procedure 8009(e). In its motion, Lawrence seeks to supplement the record with the appellee Frost Bank's trial exhibits, Lawrence's Exhibit EE, the pre-trial order, and Frost Bank's initial disclosures. Upon consideration, the Court **GRANTS IN PART AND DENIES IN PART** this motion.

Federal Rule of Bankruptcy Procedure 8009(a)(4) lists the documents that must be included in the record on appeal and includes "any additional items from the record that the court where the appeal is pending orders."

The Court finds, and the record reflects, that Frost Bank's trial exhibits, Lawrence's Exhibit EE, and the pre-trial order are part of the record of the bankruptcy court proceedings where this appeal came from. The "record" that Rule 8009(a)(4) refers to is the record from the bankruptcy court. While Frost Bank's trial

exhibits, Lawrence's Exhibit EE, and the pre-trial order were not designated for the appellate record, they were part of the bankruptcy court record and capable of being judicial noticed.

However, Lawrence provides no evidence that Frost Bank's initial disclosures are part of the bankruptcy court record and Frost Bank disputes that they were. Moreover, these disclosures do not fall under any of the other documents listed in Rule 8009(a)(4).

For these reasons, the Court **GRANTS IN PART** this motion with regards to supplementing the record with Frost Bank's trial exhibits, Lawrence's Exhibit EE, and the pretrial order. The Court **DENIES IN PART** this motion with regards to supplementing the record with Frost Bank's initial disclosures.

**IT IS SO ORDERED** this 19th day of December 2019.

A handwritten signature in black ink, reading "Brantley Starr", written over a horizontal line.

BRANTLEY STARR  
UNITED STATES DISTRICT JUDGE